

DISTRICT COURT, CITY AND COUNTY OF  
DENVER, COLORADO  
1437 Bannock Street, Denver, CO 80202

**PLAINTIFF: BRANDON SMITH, KENDRA  
RAYLENE KEELY, LYNETTE RHODES, AND  
SHIVANI MOHAN**

v.

**DEFENDANTS: CARDINAL GROUP  
MANAGEMENT & ADVISORY, LLC d/b/a  
CARDINAL GROUP MANAGEMENT;  
GLENDALE PROPERTIES I, LLC d/b/a MINT  
URBAN INFINITY; GLENDALE PROPERTIES II,  
LLC d/b/a/ MINT URBAN INFINITY**

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Case Number: 21CV33357

Div: 275

**UNOPPOSED MOTION BY CLASS REPRESENTATIVES FOR APPROVAL OF  
CLASS ACTION NOTICE PLAN**

As the Court is aware, this case presents a certified class action brought by tenants against their former landlords alleging violations of Colorado's warranty of habitability statute and breaches of their form lease agreements. The Parties, having met and conferred, have agreed on

the following Notice Plan. As such, the Class Representatives hereby move the Court for approval as follows:

1. In a certified class action, notice must be disseminated to the Class. Under Colorado law:

(2) In any class action maintained under subsection [23](b)(3), the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that:

(A) The court will exclude him from the class if he so requests by a specified date;

(B) the judgment, whether favorable or not, will include all members who do not request exclusion; and

(C) any member who does not request exclusion may, if he desires, enter an appearance through his counsel.

Colo. R. Civ. P. 23(c).

2. On February 22, 2024, the Court, Judge Egelhoff (ret.) presiding, granted certification to two classes under Rule 23(b)(3).

3. During a discovery dispute hearing held May 16, 2024, the Court, Judge Olafson presiding, extended the deadline for disseminating notice to June 3, 2024.

4. Class Counsel has selected and intends to execute papers retaining RG/2 Claims Administration, LLC to serve as the Administrator.

5. The Notice Plan will include a traditional “Long Form” Notice sent via first-class direct US mail (and via email where email addresses are available). *See* “Proposed Long Form Notice, a true and accurate copy of which is attached hereto as Ex. A.

6. As seen from the proposed Long Form Notice, the document advises class members of their ability to opt-out and how to do so, that a judgment whether favorable or not will include

members who did not request exclusion, and that any member who remains in the class may, if they want, enter an appearance through their own counsel. *See* Ex. A at 1 and ¶ 8.

7. Addresses will be updated using the National Change of Address database prior to mailing.

8. The Notice Plan will also feature a case website where Class Members can access key case documents like the Second Amended Complaint and Defendants' Answers, the Order Granting class certification, and a form they can download and use to opt out.

9. Such notice is the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.

WHEREFORE, the Court should grant the proposed Notice Plan, approve the appointment of RG/2 Claims Administration as the Class Administrator, allow for minor, stylistic edits as necessary to the notice documents, and grant such other relief as the Court deems necessary, reasonable, and just.

Dated: May 24, 2024

/s/ Steven L. Woodrow  
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and Shivani Mohan

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of May 2024, I served the above and foregoing papers by causing a true and accurate copy of such paper to be filed with the Clerk of the Court and transmitted to the following counsel of record via the Court's ICCES electronic filing system:

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